IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

W.P(C).No. 36375 of 2007(E)

PETITIONER:

DR.THOMAS P.E., 10, NEETHU'S HOUSE,
V.K.ROAD, CHINNAKKADA, KOLLAM 691 001.

BY ADV. REV. DR.P.E.THOMAS (PARTY IN PERSON)

RESPONDENTS:
----

1. **SRI.K.P.RAJENDRAN, OFFICE OF MINISTER FOR REVENUE GOVT.SECRETARIAT, TRIVANDRUM.**
2. **SRI.B.BINOY VISWAM, OFFICE OF THE MINISTER FOR FOREST, GOVT.SECRETARIAT, TRIVANDRUM.**
3. **THE HON'BLE HOME SECRETARY, UNION OF INDIA, NORTH BLOCK, NEW DELHI - 110 001.**
4. **THE HON'BLE DIRECTOR OF CENTRAL BUREAU OF INVESTIGATION GOVT. OF INDIA, C.G.O.COMPLEX, LODHI ROAD, NEW DELHI 110 003.**
5. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVT., GOVT. SECRETARIAT, TRIVANDRUM.**

BY GOVT. PLEADER, SRI. V.K. BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

= = = = = = = = = = = = = = = = =

W.P.(C) No. 36375 OF 2007 E

= = = = = = = = = = = = = = = = =

Dated this the 10th December, 2007

J U D G M E N T

The writ petition has been filed by the petitioner praying for direction to the 5th respondent to assign the land as pointed out by him in Ext. P2 application.

2. Petitioner had earlier approached this Court by filing W.P.(C) No. 28974 of 2005 on the basis that he is a landless person and that he should be assigned a plot of land. That writ petition was disposed of by Ext. P1 judgment dated 21-11-2005. Taking his submission that he is a landless person for granted, though the action of the respondents in declining his request was upheld, it was directed that it will be open to the petitioner to point out any other suitable land available for assignment and claiming assignment of a small portion like 3 cents. It was also directed that if such an application is received, the concerned Tahsildar under whose jurisdiction the land is located, shall consider the same and pass appropriate orders without delay.

3. Apparently in pursuance to the liberty given to the petitioner in Ext.P1 judgment the petitioner filed Ext. P2 application. Ext. P2 though was addressed to the Chief Minister of the State, the Principal Secretary to the Government has considered the request and has passed Ext. P3 order declining his request.

4. Ext. P3 shows that the claim on the earlier occasion that he was a landless person is incorrect. It is stated in Ext. P3 that the petitioner held a 'purayidom' having an extent of 26 cents in Sy. No. 745/1/31-3 and 4 cents of 'nilam' in Sy. No. 745/1/1066/7 of Thinkalkarrikkam Village in Pathanampuram Taluk, Kollam District vide thandaper No. 5207. It is stated that he had transferred the said properties in the name of the Paster and President, International Fellowship of Missionaries Church (Reg. No. Q. 978/99) 10, Neethus House, Vadayattukotta Road, Chinnakkada, Kollam as per settlement deed No. 1049/07 dated 4.4.2007 and that he is residing in the church to which he has transferred the property. On this factual conclusion arrived at in Ext. P3 there does not seem to be any controversy. Therefore, the conclusion in Ext. P3 stands unrebutted and the claim that he is a landless person is incorrect. On this basis, his application for assignment also is seen rejected.

5. Now that the petitioner claimed that he was a landless person is disproved by the contents in Ext. P3 to which the petitioner also has no

quarrel, I see no error in Ext. P3 declining the petitioner's request. Since the claim of the petitioner is for assignment of Government land it is upto the Government and its authorities to consider whether in a particular case the person deserves to be assigned any land. On examination of such facts, since the authorities have come to the conclusion that the petitioner does not deserve assignment as claimed by him I see no justification to interfere with Ext. P3. In fact what the petitioner has committed may even amount to perjury by describing himself to be landless person and securing Ext. P1 judgment dated 21-11-2005 while he transferred his plots only much later. For this and the unfounded allegations made in this petition there is no justification. But since I am dismissing this writ petition, I leave it at that.

6. The writ petition fails and is dismissed.

The petitioner has filed I.A. No. 16374/07. Since I am not inclined to entertain the writ petition itself there is no question of passing any order in I.A. No. 16374/07. Hence, the I.A. Is also dismissed.

ANTONY DOMINIC
JUDGE

jan/-